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REMARKS

The Applicant thanks the Examiner for examining this application. A traversal of the rejection(s) follows.

35 U.S.C. 101

In *Donaldson*, the Federal Circuit stated: Per our holding, the "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, **the PTO may not disregard the structure disclosed in the specification** corresponding to such language when rendering a patentability determination. *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (Emphasis added). See MPEP 2181.

The Applicant and the Examiner agree that 35 U.S.C. 112 Par 6 applies to claims 13-18. The Applicant and Examiner also agree that the claims recite "a system". Therefore the issue for purposes of 35 U.S.C. 101 is whether sufficient structure is disclosed corresponding to the "means-for" features of the claims.

Claim 13 recites means for setting each of at least one communication parameter variables to a value representing at least one subset of a plurality of standardized network equipment configuration parameters. Such a means is described, for example, at Fig. 3 and pages 11-12 (configuration editor 28, which is shown as a structural configuration of display elements, e.g. pixels, on a display device). Claim 13 further recites means for saving each of the representative values to a configuration file without including in the configuration file the plurality of individual configuration parameters contained in the at least one subset, thereby creating a configuration file that governs switches executed by the first network device to switch on and/or off subsets of standardized network equipment configuration parameters according to each of the representative values. Such a means is described, for example, at page 13, first full paragraph (a physical configuration of display elements forming menu selections on a display device, which are linked to computer interface functions known in the art). See also Fig 2.

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Furthermore, this feature of the claim describes saving a configuration file, which is software stored on computer-readable media (e.g. server 34, see page 13).

Claim 13 further describes means for loading the configuration file to the first network device, such as for example an FTP server 34 (page 9, lines 21-26).

Claim 13 further describes means for setting software switches within the first network device according to the representative values in the configuration file, thereby switching on and/or off subsets of standardized network equipment configuration parameters within the network device according to the representative values in the configuration file (see for example EMTA of modem 6, p 10 lines 1-4).

Furthermore, the claims themselves recite certain structures from the specification for certain of the "means-for" features. The means for selecting and accepting can include a user interface (claim 14, e.g. a physical arrangement of pixels on a display device). The means for saving is a computer (claim 15). The means for loading includes a server (claim 16). The means for setting the software switches includes operating system software and logic circuitry (claim 18, clearly statutory).

For at least these reasons, the claims clearly meet the structural requirements to be statutory under 35 U.S.C. 101. The Examiner is respectfully requested to examine the claims in light of Donaldson and MPEP 2181 and therefore withdraw the rejection.

35 U.S.C. 112

The Examiner objects to the claim language "each values representing the at least one subset without including the plurality of individual configuration parameters contained in each selected subset" as going beyond what is disclosed in the Applicant's specification.

When interpreting the claims for purposes of examination, the Applicant's disclosure should be considered as a whole when seeking written description support (MPEP 2163 (II)(A)(2). Furthermore, the claim terms don't need to be quoted verbatim in the specification, so long as the same feature is described in other ways ("there is no in

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haec verba requirement" for claim language, see MPEG 2163 (II)(B)).

The Applicant's disclosure, taken as a whole, clearly describes a configuration
file having values representing subsets of configuration parameters, without including the ·
parameters themselves in the configuration file. See for example page 8, lines 12-17:
"Therefore, if subset 4C relates to emergency, or 911, calling, for example, and call
management server 14 does not support emergency calling, then parameters relating to is
emergency calling will not be provisioned into the software load 18 of cable modem 6
and software switch 20C corresponding to the emergency calling parameters will be
turned off, as shown in the figure." The specification teaches throughout that the
configuration file comprises software switches, and furthermore states "Switches 20
typically correspond to each of the plurality of parameter variables that exist in the
PacketCable specification. Thus, in the figure, switch 20A, for example, controls a group,
or subset, of parameter variables, and thus represents a software means for switching on
or off more than one parameter. However, a subset is represented by one switch for
clarity and to show that certain parameters tend to be associated with others, so that for
ease of setting up and editing of configuration file 26, one subset can be selected to
simultaneously enable or disable all parameter variables in the given subset."

Taken in its entirety the specification clearly demonstrates that the Applicant had,
at the time the application was filed, clearly contemplated a configuration file that
governs switches executed by the first network device to switch on and/or off the at least
one subsets of standardized network equipment configuration parameters according to
each values representing the at least one subset without including the plurality of
individual configuration parameters contained in each selected subset.

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Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

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